

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Samuel Neto et al.

Application No.: 10/566,019

Confirmation No.: 9402

Filed: January 25, 2006

Art Unit: 1621

For: MULTI-METAL OXIDE CONTAINING
SILVER, VANADIUM AND A PROMOTER
METAL AND USE THEREOF

Examiner: J. Y. Cho

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed August 3, 2007, applicant hereby provisionally elects claims 1-11 for continued examination, with traverse.

The Examiner has required restriction between:

- I. Claims 1-4 and 6-11, drawn to a catalyst and precatalyst; and
- II. Claims 12-18, drawn to a process.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent. If the catalyst is deemed allowable, then the process using the patentable catalyst would be allowable.

Applicants respectfully traverse the Restriction requirement because the U.S. Patent and Trademark Office has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.

Accordingly, Applicants respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Again, if the catalyst is deemed allowable, then the process using the patentable catalyst would be allowable. For the above reasons, the applicant believes that at least Group II should be rejoined with Group I.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13111-00032-US from which the undersigned is authorized to draw.

Dated: August 27, 2007

Respectfully submitted,

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